

Bryan W. Shaw, Ph.D., P.E., *Chairman*
Toby Baker, *Commissioner*
Zak Covar, *Commissioner*
Richard A. Hyde, P.E., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

January 17, 2013

The Honorable Administrative Law Judges
Sharon Cloninger and Richard A. Wilfong
State Office of Administrative Hearings
300 West 15th Street, Suite 502
Austin, Texas 78701

Re: Executive Director's Reply to Exceptions to the Administrative Law Judge's Proposal for Decision, Order, and Findings of Fact and Conclusions of Law for NSR Permit Registration No. 102982, TCEQ Docket No. 2013-0657-AIR; SOAH Docket No. 582-13-4611

Dear Judge Cloninger and Judge Wilfong:

Enclosed please find the Executive Director's Reply to Exceptions to the Administrative Law Judge's Proposal for Decision, Order, and Findings of Fact and Conclusions of Law for the contested case hearing listed above. If you have any questions, please do not hesitate to contact Mr. Booker Harrison at (512) 239-4113.

Sincerely,

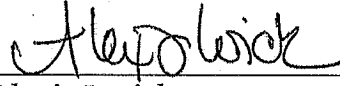
A handwritten signature in cursive script, appearing to read "Alexis Lorick", written over a horizontal line.

Alexis Lorick, Staff Attorney
Environmental Law Division

Enclosure
cc All parties (as indicated on the service list)

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing document has been served via hand delivery, facsimile, electronic filing, electronic mail, first class mail, interagency mail, and/or overnight mail as indicated on this 17th day of January, 2014, on the attached service list.



Ms. Alexis Lorick
State Bar No. 24070174
Staff Attorney, Environmental Law Division

SERVICE LIST

FOR THE STATE OFFICE OF ADMINISTRATIVE HEARINGS

Hon. Richard A. Wilfong &
Hon. Sharon Cloninger
Administrative Law Judges
P.O. Box 13025
300 West 15th Street, Suite 502
Austin, Texas 78701-1649
Fax: (512) 475-4994
Via electronic filing

FOR THE OFFICE OF THE CHIEF CLERK

Ms. Bridget Bohac
P.O. Box 13087
12100 Park 35 Circle, Bldg F
Austin, Texas 78711
Fax: (512) 239-3300
chiefclk@tceq.texas.gov
Via electronic filing

FOR THE APPLICANT:

Mr. Derek L. Seal &
Mr. Albert R. Axe
Winstead P.C.
401 Congress, Ste 2100
Austin, Texas 78701
Tel: (512) 370-2807
Fax: (512) 370-2850
dseal@winstead.com
Via electronic mail

FOR THE HEARING REQUESTORS

Mr. Gabriel Clark-Leach
Environmental Integrity Project
1303 San Antonio St., Suite 200
Austin, Texas 78701
Tel: (512) 637-9477
Fax: (512) 584-8019
gclark-leach@environmentalintegrity.org
Via electronic mail

FOR THE OPIC:

Mr. Eli Martinez
Assistant Public Interest Counsel
Texas Commission in Environmental Quality
Office of Public Interest Counsel – MC 103
P. O. Box 13087
Austin, Texas 78711-3087
Tel: (512) 239-3974
Fax: (512) 239-6377
eli.martinez@tceq.texas.gov
Via electronic mail

SOAH DOCKET NO. 582-13-4611
TCEQ DOCKET NO. 2013-0657-AIR

APPLICATION BY	§	BEFORE THE STATE OFFICE
EXXON MOBIL CORPORATION	§	
FOR PROPOSED AIR	§	OF
QUALITY PERMIT NO. 102982	§	ADMINISTRATIVE HEARINGS
	§	

EXECUTIVE DIRECTOR'S REPLY TO EXCEPTIONS TO THE
ADMINISTRATIVE LAW JUDGES' PROPOSAL FOR DECISION AND ORDER

TO THE HONORABLE ADMINISTRATIVE LAW JUDGES SHARON CLONINGER
AND RICHARD A. WILFONG:

COMES NOW, the Executive Director of the Texas Commission on Environmental Quality (Commission or TCEQ) and files the Executive Director's Reply to Exceptions Administrative Law Judge's (ALJ) Proposal for Decision and Order, and in support thereof shows the following:

I. Reply to Exceptions

The issues raised in the exceptions by the other parties in the above-entitled matter have been sufficiently addressed in previous filings by the Executive Director; however, the Executive Director offers the following limited revisions to his previously submitted Exceptions to the PFD and observations on those submitted by the other parties:

II. The Applicant's Exceptions to the PFD

The Applicant suggests substituting the word "unrefined" in Finding of Fact 173 with "other." The Applicant also suggests including new Finding of Fact 20A based on conclusions made by the ALJs on page 22 of the PFD. Replacing "unrefined" with "other" in Finding of Fact 173 is confusing, making the entire Finding ambiguous. This revision, as well as including new Finding of Fact 22, is unnecessary for the Commission

to issue the ALJ's PFD based on the Executive Director's determination that the application for permit 102982 meets all applicable state and federal regulatory requirements.

IV. Conclusion

The Executive Director respectfully requests that the Commission include with his previously submitted revisions to the PFD and the Findings of Fact and Conclusions of Law, the forgoing corrections and issue the Proposed Order.

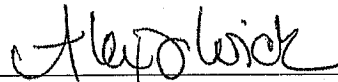
Respectfully submitted,

Texas Commission on Environmental Quality

Richard A. Hyde, P.E., Executive Director

Caroline Sweeney, Deputy Director
Office of Legal Services

Robert Martinez, Division Director
Environmental Law Division



Alexis E. Lorick, Staff Attorney
Environmental Law Division
State Bar No. 24070174
P.O. Box 13087, MC 173
Austin, Texas 78711-3087
(512) 239-0649

REPRESENTING THE
EXECUTIVE DIRECTOR OF THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY